

Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress

<i>In re</i>	CONSOLIDATED DOCKET NO. 14-CRB-0010-CD/SD (2010-13)
DISTRIBUTION OF CABLE ROYALTY FUNDS	
DISTRIBUTION OF SATELLITE ROYALTY FUNDS	
<i>In re</i>	CONSOLIDATED DOCKET NO. 14-CRB-0010-CD (2010-13)
DISTRIBUTION OF CABLE ROYALTY FUNDS	

**SETTLING DEVOTIONAL CLAIMANTS' MOTION FOR FINAL DISTRIBUTION OF
2010-13 CABLE ROYALTY FUNDS**

The Settling Devotional Claimants (“SDC”) move pursuant to 17 U.S.C. § 801(b)(3)(B) for a final distribution of the SDC’s share of copyright royalty funds allocated to the Devotional category collected for cable royalty years 2010 through 2013, in an amount to be calculated by the Licensing Division based on the allocation and distribution percentage shares for the Devotional category as have been finally determined by the Judges.

The Judges resolved all distribution phase controversies regarding the SDC’s share of funds collected for cable royalty years 2010 through 2013 in the Judges’ Final Distribution Determination, 83 Fed. Reg. 38,326 (Aug. 6, 2018), pursuant to an agreed resolution among the distribution phase parties. No party appealed the Final Distribution Determination in the Devotional category within the time permitted by 17 U.S.C. § 803(d). The SDC’s distribution phase shares of cable royalty funds allocated to the Devotional category are as follows:

SDC's Distribution Phase Shares Devotional Category	
Cable royalty year	SDC share (percent)
2010	77.1%
2011	82.6%
2012	84.8%
2013	89.1%

The Judges resolved all allocation phase controversies regarding the Devotional category share of funds collected for cable royalty years 2010 through 2013 in the Judges' Final Allocation Determination, 84 Fed. Reg. 3552 (Feb. 12, 2019). MPA-Represented Program Suppliers appealed, and the U.S. Court of Appeals affirmed. Judgment, *Program Suppliers v. Copyright Royalty Board*, No. 19-1063 (Apr. 14, 2020) (per curiam). The D.C. Circuit entered its mandate on June 8, 2020. Pursuant to the Judges' Final Allocation Determination, the allocation phase shares of cable royalty funds in the Devotional categories are as follows:

Allocation Phase Shares Devotional Category			
Cable royalty year	Basic Fund (percent)	3.75% Fund (percent)	Syndex Fund (percent)
2010	4.0%	4.7%	0%
2011	5.5%	6.8%	0%
2012	5.5%	6.7%	0%
2013	4.3%	5.3%	0%

Each of the allocation phase shares above is of the net fees remaining after final distribution to ASCAP, SESAC, and BMI (the Music Claimants) pursuant to a confidential settlement agreements with the allocation phase parties.

The SDC have made the Judges aware of certain issues relating to Multigroup Claimants' identity and authority to receive distribution of funds. See SDC's Further Briefing in Response to Multigroup Claimants' Response to Order to Show Cause, 14-CRB-0010-CD/SD (2010-13)

(Mar. 16, 2020). Resolution of these issues will have no effect on the size of the Devotional fund or of the fund for any other claimant category or on the SDC's share of the Devotional fund, both of which have been resolved by the Judges. The SDC's share, therefore, should be finally distributed without regard to any issues affecting Multigroup Claimants' status in these proceeding.

Conclusion

Accordingly, the SDC request the Judges to order final distribution of the SDC's share of cable royalty fees collected for royalty years 2010 through 2013 that have been allocated to the Devotional category, in accordance with the Judges' final determinations.

Date: June 9, 2020

Respectfully submitted,

/s/ Matthew J. MacLean

Matthew J. MacLean (DC Bar No. 479257)

Matthew.MacLean@pillsburylaw.com

Michael A. Warley (DC Bar No. 1028686)

Michael.Warley@pillsburylaw.com

Jessica T. Nyman (D.C. Bar No. 1030613)

Jessica.Nyman@pillsburylaw.com

PILLSBURY WINTHROP SHAW PITTMAN LLP

1200 Seventeenth Street, NW

Washington DC 20036

Tel: (202) 663-8183

Fax: (202) 663-8007

Arnold P. Lutzker (DC Bar No. 108106)

Arnie@lutzker.com

Benjamin Sternberg (DC Bar No. 1016576)

Ben@lutzker.com

LUTZKER & LUTZKER LLP

1233 20th Street, NW, Suite 703

Washington DC 20036

Tel: (202) 408-7600

Fax: (202) 408-7677

Counsel for Settling Devotional Claimants

Certificate of Service

I certify that on June 9, 2020, I caused the foregoing to be served on all parties by filing through the eCRB system.

/s/ Matthew J. MacLean
Matthew J. MacLean

Proof of Delivery

I hereby certify that on Tuesday, June 09, 2020, I provided a true and correct copy of the Settling Devotional Claimants' Motion for Final Distribution of 2010-13 Cable Royalty Funds to the following:

Multigroup Claimants (MGC), represented by Brian D Boydston, served via ESERVICE at brianb@ix.netcom.com

Public Television Claimants (PTC), represented by Lindsey L. Tonsager, served via ESERVICE at ltonsager@cov.com

Joint Sports Claimants (JSC), represented by Michael E Kientzle, served via ESERVICE at michael.kientzle@apks.com

Canadian Claimants Group, represented by Victor J Cosentino, served via ESERVICE at victor.cosentino@larsongaston.com

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via ESERVICE at jstewart@crowell.com

MPA-Represented Program Suppliers (MPA), represented by Gregory O Olaniran, served via ESERVICE at goo@msk.com

Signed: /s/ Matthew J MacLean